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E-FILED 10/9/07

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

FACEBOOK, INC., and MARK ZUCKERBERG,

Plaintiffs,

v.

CONNECTU LLC, (now known as CONNECTU INC.) CAMERON WINKLEVOSS, TYLER WINKLEVOSS, DIVYA NARENDRA, PACIFIC NORTHWEST SOFTWARE, INC., WINSTON WILLIAMS, WAYNE CHANG, and DAVID GUCWA,

Defendants.

CASE NO. C 07-01389 RS

DECLARATION OF SCOTT R. MOSKO IN SUPPORT OF PLAINTIFFS' ADMINISTRATIVE REQUEST PURSUANT TO LOCAL CIVIL RULE 79-5(b) & (d) TO FILE UNDER SEAL EXHIBITS LL, MM, NN, OO AND PP TO THE SUPPLEMENTAL DECLARATION OF THERESA A. SUTTON IN SUPPORT OF PLAINTIFFS' OPPOSITION TO DEFENDANTS' MOTION TO DISMISS

[PROPOSED ORDER]

Date: October 10, 2007
Time: 9:30 a.m.
Dept.: 4
Judge: Hon. Richard Seeborg

I, Scott R. Mosko, declare as follows:

I am a partner with the law firm of Finnegan, Henderson, Farabow, Garrett & Dunner, L.L.P., counsel of record for Defendants ConnectU LLC, Cameron Winklevoss, Tyler Winklevoss and Divya Narendra in the above captioned matter. This declaration is based on my personal knowledge and, if called as a witness, could and would competently testify thereto.

1. The following materials in Plaintiffs' Administrative Request Pursuant to Local Civil Rule 79-5(b) & (d) to File Under Seal Exhibits LL, MM, NN, OO and PP to the Supplemental Declaration of Theresa A. Sutton in Support of Plaintiffs' Opposition to Defendants' Motion to Dismiss were designated by the Defendants as confidential or highly confidential and sealable in their entirety:

- **Exhibit LL** to the Supplemental Declaration of Theresa A. Sutton filed in Support of Plaintiffs' Opposition to Defendants' Motion to Dismiss is a copy of the transcript of the January 16, 2006 deposition of Divya Narendra taken in the Superior Court for the County of Santa Clara action, Case No. 1:05-CV-047381. It has been designated as Confidential by ConnectU pursuant to the Protective Order entered in that matter, and hence is subject to Local Civil Rule 79-5(d). This exhibit should remain sealed from public viewing pursuant to Civil Local Rule 79-5(b).
- **Exhibit MM** to the Supplemental Declaration of Theresa A. Sutton filed in Support of Plaintiffs' Opposition to Defendants' Motion to Dismiss is a copy of the transcript of the January 16, 2006 deposition of ConnectU taken in the Superior Court for the County of Santa Clara action, Case No. 1:05-CV-047381. It has been designated as Confidential by ConnectU pursuant to the Protective Order entered in that matter, and hence is subject to Local Civil Rule 79-5(d). This exhibit should remain sealed from public viewing pursuant to Civil Local Rule 79-5(b).
- **Exhibit NN** to the Supplemental Declaration of Theresa A. Sutton filed in Support of Plaintiffs' Opposition to Defendants' Motion to Dismiss is a copy of the transcript of the January 16, 2006 deposition of Cameron Winklevoss taken in the Superior Court for the County of Santa Clara action, Case No. 1:05-CV-047381. It

has been designated as Confidential by ConnectU pursuant to the Protective Order entered in that matter, and hence is subject to Local Civil Rule 79-5(d). This exhibit should remain sealed from public viewing pursuant to Civil Local Rule 79-5(b).

- **Exhibit OO** to the Supplemental Declaration of Theresa A. Sutton filed in Support of Plaintiffs' Opposition to Defendants' Motion to Dismiss is a copy of the transcript of the January 16, 2006 deposition of Tyler Winklevoss taken in the Superior Court for the County of Santa Clara action, Case No. 1:05-CV-047381. It has been designated as Confidential by ConnectU pursuant to the Protective Order entered in that matter, and hence is subject to Local Civil Rule 79-5(d). This exhibit should remain sealed from public viewing pursuant to Civil Local Rule 79-5(b).
- **Exhibit PP** to the Supplemental Declaration of Theresa A. Sutton filed in Support of Plaintiffs' Opposition to Defendants' Motion to Dismiss is a copy of the transcript of the January 16, 2006 deposition of Howard Winklevoss taken in the Superior Court for the County of Santa Clara action, Case No. 1:05-CV-047381. It has been designated as Confidential by ConnectU pursuant to the Protective Order entered in that matter, and hence is subject to Local Civil Rule 79-5(d). This exhibit should remain sealed from public viewing pursuant to Civil Local Rule 79-5(b).

I declare under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct. Executed on October 3, 2007, at Palo Alto, California

/s/ *Scott R. Mosko*
Scott R. Mosko

~~[PROPOSED]~~ ORDER

Upon good cause shown, **IT IS HEREBY ORDERED** that the following documents shall be received and filed under seal in their entireties by the Clerk:

Exhibits LL, MM, NN, OO, and PP to the October 2, 2007 Supplemental Declaration of Theresa A. Sutton in Support of Plaintiffs' Opposition to Defendants' Motion to Dismiss.

Dated: October 9, 2007

United States Magistrate Judge